

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION-FLINT**

IN RE:

Christopher D. Wyman,  
Debtor,

Case No. 12-32264-dof  
Chapter 7  
Honorable Daniel S. Opperman

**TRUSTEE'S OBJECTION TO CLAIMS**

**NOW COMES** Trustee, Samuel D. Sweet, by and through his attorney of record and hereby states as follows:

1. On May 24, 2012 Christopher D. Wyman ("Debtor") filed a Voluntary Bankruptcy under Chapter 7 of the Bankruptcy Reform Act of 1978, as Amended, Title 11 ("Petition Date").

2. Subsequent of the aforementioned bankruptcy filing, Michael Mason was appointed the duly qualified and acting Trustee in this matter, whereupon Mr. Mason resigned his position as Trustee in this case and Samuel D. Sweet ("Trustee") was appointed the Chapter 7 Trustee herein.

3. The Creditor, Barbara Duggan, filed a claim in this case as a secured claim in the full amount of \$27,389.24, Claim No. 1.

4. Upon information and belief the Creditor has received \$15,000.00 relative to an Adversary Proceeding filed by counsel for Ms. Duggan on behalf of both Ms. Duggan and the bankruptcy estate.

5. To date no documentation has been provided identifying that this payment was anything other than a payment on her claim.

6. This creditor has asserted a secured status pursuant to Section 506 of the Bankruptcy Code.

7. The secured status that this creditor asserts specifically relates to the Judgment Lien Act.

8. The "Judgment Lien" asserted by Ms. Duggan was originally filed relative to property of this case in May of 2012.

9. Pursuant to MCL 600.2809 this creditor must renew this "Judgment Lien" every five (5) years from the original filing date.

10. Nothing has been done with respect to renewal of same and as such this "Judgment Lien" is extinguished as a matter of law and as such no longer effective.

11. As a result of the foregoing, this creditor is not a secured creditor for purposes of this bankruptcy proceeding and as such should be treated as an unsecured creditor.

**WHEREFORE**, Trustee prays this Honorable Court enter the Order attached hereto as Exhibit “A” and grant such other and further relief this Court deems just and proper.

Respectfully submitted,

SAMUEL D. SWEET, PLC

Dated: 1/24/2019

/s/ Samuel D. Sweet  
By: Samuel D. Sweet (P48668)  
Attorneys for Trustee  
P.O. Box 757  
Ortonville, MI 48462-0757  
(248) 236-0985  
[ssweet@trusteesweet.us](mailto:ssweet@trusteesweet.us)

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**PROPOSED ORDER SUSTAINING TRUSTEE'S OBJECTION TO CLAIMS**

This matter having come before the Court on the Trustee's Objection to Claim No. 1 of Barbara Duggan having been previously filed with the Court, proper notice of which has been given by the Trustee to Claimant and subsequently no response having been timely filed by Claimant to such Objection, and the Court otherwise being fully informed in the premises;

**NOW THEREFORE;**

**IT IS HEREBY ORDERED** that the Trustee's Objection shall be SUSTAINED, and Claim No.1 of Barbara Duggan shall be treated as an unsecured claim.

HONORABLE DANIEL S. OPPERMAN  
U.S. BANKRUPTCY COURT JUDGE

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**NOTICE OF OBJECTION TO CLAIMS**

The Trustee, Samuel D. Sweet, has filed an objection to your claim in this bankruptcy case.

**Your claim, may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the Court to deny or change your claim, then on or before, February 27, 2019, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position at:

U.S. Bankruptcy Court  
226 W. Second Street  
Flint, MI 48502

If you mail your response to the court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Samuel D. Sweet, Esq., P.O. Box 757, Ortonville, MI 48462-0757

2. Attend the hearing on the objection, scheduled to be held on, March 6, 2019, at 9:30 a.m. in the United States Bankruptcy Court, 226 W. Second Street, Flint, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

**If you or your attorney do not take these steps, the court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.**

SAMUEL D. SWEET, PLC

BY: /s/ Samuel D. Sweet  
Samuel D. Sweet (P48668)  
Attorneys for Trustee  
P.O. Box 757  
Ortonville, MI 48462-0757  
(248) 236-0985  
[ssweet@trusteesweet.us](mailto:ssweet@trusteesweet.us)

Date served: 1/24/2019

<sup>1</sup>Response or answer must comply with F.R. Civ. P 8 (b) (c) and (e)

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CERTIFICATE OF SERVICE

I hereby certify that on 1/24/2019, I served the following paper:

Trustee's Objection to Claims, Proposed Order, Notice of Trustee's Objection to Claim, and this Certificate of Service;

on the following parties at these addresses:

Christopher D. Wyman  
6241 Grand River Rd.  
Brighton, MI 48114

Barbara Duggan  
c/o Michael E. Tindall  
P.O. Box 46564  
Mount Clemens, MI 48046

Dennis L. Perkins  
Attorney for Debtor  
[bkperk@sbcglobal.net](mailto:bkperk@sbcglobal.net)  
(Via ECF transfer only)

by the following means:

United States first-class mail

/S/ SAMUEL D. SWEET  
Samuel D. Sweet (P48668)  
Samuel D. Sweet, PLC  
Attorney for Trustee  
P.O. Box 757  
Ortonville, MI 48462-0757  
(248) 236-0985  
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